

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

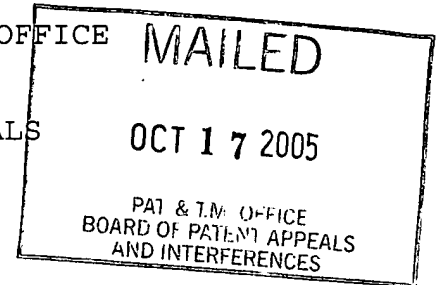
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN M. BARON and
BETH M.P. DELANEY

Application No.09/935,249

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received electronically at the Board of Patent Appeals and Interferences on August 2, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Upon review of the Examiner's Answer mailed on March 23, 2005, the examiner failed to comply with the headings as set forth in the new rules under 37 CFR § 41.37(c) effective September 13, 2004. Accordingly, it is

ORDERED that the application is returned to the Examiner for:

- 1) to vacate the Examiner's Answer mailed March 23, 2005, and issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG FEINBERG
Program and Resource Administrator
(571) 272-9797

CF/dal

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HEWLETT PACKARD COMPANY
P.O. BOX 272400
3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400